

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70509 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- Excise P.S. District- Saran

Rahul Rai @ Rahul Ray S/o Late Rajendra Ray R/o vill - Sonpur Dagra
Bazar, P.S. - Sonpur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Learned counsel for the petitioner is permitted to
make necessary correction in the provision of law under which
the present bail petition has been filed , during the course of the
day.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Sonpur
P.S. Case No. 150 of 2024 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
Amendment Act.

4. As per prosecution case, 2 litre illicit liquor was
recovered from the petitioner and petitioner is said to have
apprehended on the spot.



5. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner is in custody since 18.08.2024. Learned counsel has submitted in para 3 of the bail petition that petitioner bears criminal antecedent of five cases including the present case. He further submits that seizure list has not been prepared as per law. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has falsely been implicated in the case on account of village rivalry as scuffle has taken place earlier and other person informed the police and petitioner was made accused in the present case by showing recovery from his possession but the alleged recovery was made from the road side.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra in



connection with Sonpur P.S. Case No. 150 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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